



January 23, 2018

Chairman Ajit Pai
Commissioner Mignon Clyburn
Commissioner Michael O’Rielly
Commissioner Brendan Carr
Commissioner Jessica Rosenworcel
445 12th Street SW
Washington DC 20554

Mr. Chairman and Commissioners,

First, we wish to share our appreciation and thanks to Chairman Pai, Commission staff, and public safety stakeholders for their efforts to date, and thank you to Commissioners Clyburn, O’Rielly, Carr, Rosenworcel and your staff for your consideration of this item. We believe that the proposed changes to the Wireless Emergency Alert (WEA) service will save lives. With respect, we have included several changes to the proposed rules for your consideration.

As APCO stated in its January 12th ex parte to the Commission, “in addition to expressing support for requiring geo-targeting enhancements by 2019, we recommend the incorporation of rule language to add clarity to the obligations of participating WEA service providers. For example, the language of Final Rule Section 10.450 could specify that, “No later than November 30, 2019,” participating CMS providers must match the target area. Section 10.450 could also reflect the language of the draft Order specifying that this deadline is to apply to “new mobile devices offered for sale after the rule’s effective date and to existing devices capable of being upgraded.”

APCO also stated, and we agree, that “[t]he rules could also clarify the narrow intent of what it means to be technically incapable of matching the specified target area.” Based on the record, it is technically feasible to achieve the geo-targeting goal by November 30, 2019, through software upgrades to many existing devices and with the introduction of new devices. Thus, the rules should be clear that “technically incapable” should not apply where providers have failed to develop standards, implement network and device changes, or pursue other technological solutions. After November 2019, CMS providers may only fall back to the “best approximates” standard in a narrow set of circumstances. While we expect participating CMS providers to continue serving as good partners in this trusted and official public safety alerting system, the FCC’s rules should minimize the potential for any confusion with respect to the carriers’ obligations to achieve geo-targeting improvements.

Accordingly, we respectfully request the following changes to the proposed rules:

- (a) [REVISED SECTION 10.450 (a)] This section establishes minimum requirements for the geographic targeting of Alert Messages. A Participating CMS Provider will determine which of its network facilities, elements, and locations will be used to geographically target Alert

Messages. A Participating CMS Provider must deliver any Alert Message that is specified by a geocode, circle, or polygon to an area that matches the specified geocode, circle, or polygon. A Participating CMS Provider is considered to have matched the target area when they deliver an Alert Message to 100 percent of the target area with no more than 0.1 of a mile overshoot. If some or all of a Participating CMS Provider's network infrastructure is technically incapable of matching the specified target area, then that Participating CMS Provider must deliver the Alert Message to an area that best approximates the specified target area on and only on those aspects of its network infrastructure that are incapable of matching the target area. [NEW LANGUAGE FOLLOWS] [A CMS Provider's ability to claim that its network infrastructure is technically incapable of matching the specified target area is limited to instances described in the Order, including when the target area is outside of the Participating CMS Provider's network coverage area, when mobile devices have location services disabled, and when legacy networks cannot be updated to support this functionality. In all other instances, the CMS Provider must deliver an Alert Message to 100 percent of the target area with no more than 0.1 of a mile overshoot.]

- (b) Leave as existing in Section 10.450 (b)
- (c) [NEW SECTION 10.450 (c)] Participating CMS Providers are required to transmit Alert Message polygon coordinates to mobile devices without affecting the 360 character allotment for displayable Alert Message text.
- (d) [NEW SECTION 10.450 (d)] Participating CMS Providers shall comply with these Geo-targeting rules no later than November 30, 2019. These rules shall apply to new mobile devices offered for sale after the rule's effective date and to existing devices capable of being upgraded.

In response to the proposed rule changes, CTIA submitted an Ex-Parte on 1/17/18 discussing several of the same concerns around the definitions related to the new rules. While CTIA suggests that the Commission simplify the definition of "WEA-capable" devices to any mobile wireless device that can receive a WEA message and noted that the Commission could suggest that CMS providers and equipment vendors disclose that a device may not support all WEA features. This simplification is misleading to consumers and will allow providers and device manufacturers a loophole to not provide the much needed WEA enhancements to some wireless users. While we hope that our industry partners will continue to work with us on providing all of the life-saving WEA enhancements, we find CTIA's proposed definition for WEA-capable devices to be too simplified. We respectfully request that the Commission clearly define WEA-capable devices as those that are fully capable of receiving all WEA messages and associated content.

In summary, we believe the existing proposed Order with these changes to the Rules will result in a significantly improved Wireless Emergency Alert system.

Thank you again for your consideration of these changes.

Sincerely,



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